



**Court Services and Offender Supervision Agency
for the District of Columbia**

POLICY STATEMENT

Policy Statement 5403

Policy Area: Facilities - Motor Vehicles

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CONTRACTOR USE OF GOVERNMENT AND PRIVATELY-OWNED VEHICLES

I. COVERAGE

This Policy Statement applies to government contractors doing business for the Court Services and Offender Supervision Agency for the District of Columbia (hereinafter, "the Agency" or "CSOSA"), excluding the Pretrial Services Agency.

II. BACKGROUND

This Policy Statement provides guidance to government contractors on the use of Agency and privately-owned vehicles (POVs). It addresses under what circumstances contractors may use these vehicles and the procedures and rules governing such use.

III. POLICY

It is the policy of the Agency to allow government contractors (hereinafter, "contractors") to use Agency vehicles for *official Agency business only*. Contractors shall use government vehicles between places of official business only and shall not use them to conduct personal business or for out-of-town travel. Nor shall contractors take Agency vehicles home at any time. It is up to the discretion of the contractor, and his/her technical representative on the contract, whether to use a privately-owned vehicle for Agency business. Specific conditions under which contractors may use Agency and privately-owned vehicles for work-related purposes are discussed below.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Regulatory Authorities

- 41 C.F.R. § 101-38.301-3 – Violation of State and local motor vehicle traffic laws
- 41 C.F.R. § 101-38.401-2 – Use of self-service pumps
- 41 C.F.R. § 101-38.601 – Accident reporting forms and their use
- 41 C.R. R § 102-34.220 – Official Use

- 41 C.F.R. § 102-34.230 – Use of Government Vehicles by Contractors
- 41 C.F.R. § 101-39.406 – Responsibility for Damages
- Executive Order 13043 – Increasing Seat Belt Use in the United States

B. Supersedures

None.

C. References

None.

D. Attachments

- Appendix A. Definitions
- Appendix B. General Procedures
- Appendix C. Contractor Request for Use of Government Vehicle (CSOSA-FAC-0001)
- Appendix D. Contractor Request to Use Privately-Owned Vehicle (CSOSA-FAC-0002)
- Appendix E. Motor Vehicle Accident Information (CSOSA-FAC-0003)

APPENDIX A
DEFINITIONS

1. Agency Vehicle: A government vehicle which is part of the Agency's vehicle fleet.
2. Privately-owned Vehicle: Any vehicle owned or otherwise under the control of a contractor that is not owned or leased by a government agency, and is not commercially leased or rented by a contractor under a government rental agreement for use in connection with official government business.
3. Local Travel: Travel which is less than twelve (12) hours in duration within the Washington Metropolitan Area, including Baltimore, Maryland and Virginia, and does not require overnight lodging.
4. Official Travel: Travel between places of official business.
5. Out-of-Town Travel (Temporary Duty Travel): Travel outside of the designated local travel area that is more than twelve (12) hours in duration and requires overnight lodging.
6. Vehicle Manager: A CSOSA employee who has Agency-wide responsibility for policy, reporting, and inventory relating to Agency vehicles. This function is located in CSOSA's Office of Facilities Management.
7. Vehicle Coordinator: An employee who has responsibility for the day-to-day management of Agency vehicles which are under his/her jurisdiction. This individual is responsible for issuing keys, scheduling and assigning vehicles to prospective users, and reporting problems caused by mechanical failure and/or accidents.
8. Government Contractor: An individual conducting business on behalf of the Agency pursuant to a formal written agreement.
9. Contracting Officer's Technical Representative (COTR): An Agency employee designated as being responsible for oversight of performance under a government contract.
10. Office of the General Counsel: The unit within CSOSA that handles all legal matters involving the Agency.
11. Office of Financial Management: The unit within CSOSA that handles all financial matters involving the Agency.

APPENDIX B GENERAL PROCEDURES

A. USE OF GOVERNMENT VEHICLES

1. Licenses.

Contractors who drive Agency vehicles must have a valid state, District of Columbia, or territorial motor vehicle operator's license. Licenses must be carried at all times while using Agency vehicles. The Contracting Officer's Technical Representative ("COTR") is responsible for obtaining a copy of the contractor's driver's license.

2. General Policy.

Government contractors are permitted to use Agency vehicles. All contracts which contemplate allowing contractors to use Agency vehicles shall include a provision so stating, and that contractors will be held liable for any costs associated with misuse of Agency vehicles. Contractors must receive approval from their COTR to use Agency vehicles *and* must restrict their use for official purposes only in performance of the contract. All contractors are to be issued a copy of this Policy Statement and are required to sign a statement (see Appendix) acknowledging receipt.

3. Accidents.

In the case of an accident, contractors and the COTR must follow the procedures outlined below.

- a. The contractor must notify the police and his or her COTR as soon after the accident as possible;
- b. The COTR is responsible for notifying the vehicle coordinator and the Office of the General Counsel ("OGC") verbally;
- c. The contractor must collect all pertinent information about the other driver involved in the accident, including:
 - name and address of the other driver;
 - permit number, issuing state and expiration date of other driver's license;
 - name and address of the owner of the vehicle;
 - make, type, year, license number and state in which the vehicle was registered; and
 - name of insurance company and policy number.
- d. The contractor must make a list of the following:

- any obvious or mentioned personal injuries to any person(s) as a result of the accident;
 - damage to the other vehicle;
 - damage to the government vehicle;
 - name, badge number, precinct number of the police officer at the scene, if any, and the police report number; and
 - names and addresses of any witnesses to the accident and any passengers in the vehicle(s).
- e. The contractor must not abandon the vehicle unless immediate or emergency medical attention is required. If the vehicle is immobile, contact the COTR who shall contact the Vehicle Coordinator for proper removal of the vehicle and transportation back to the office.
- f. By the close of business on the day of the accident, the contractor must complete a Standard Form 91, "Motor Vehicle Accident Report," and Standard Form 94, "Statement of Witness." The forms will be located in the glove compartment. The Vehicle Coordinator is responsible for ensuring that these forms are available at all times. The report must be submitted to the COTR for signature who must forward it and supporting documentation to the OGC and a copy to the appropriate Vehicle Coordinator. If the contractor was driving a leased vehicle, the Vehicle Coordinator will submit a copy of the accident report to the lessor within 24 hours of the accident if the vehicle was totalled or if the accident resulted in injury.

NOTE: If an injury prevents the contractor from completing this form, the COTR must ensure that the accident reporting form is properly completed by a contractor representative by the close of business on the day of or following the accident.

- g. In the event of an accident, contractor must provide to all involved parties (drivers) the following information which is requested on the form entitled "Motor Vehicle Accident Information." The form will be located in the glove compartment. The contractor must complete items 1 through 5 of the form:
1. Driver Name & Office Address;
 2. Driver Phone Number & Office Phone Number;
 3. Date of Accident & Vehicle Tag Number;
 4. Location of Accident; and
 5. Vehicle Coordinator & Coordinator Location & Phone Number.

4. Damage to Agency Vehicles.

In the event that a contractor damages an Agency vehicle, the contracting officer will be responsible for notifying the General Services Administration (GSA) and the CSOSA Vehicle Coordinator of the accident. It is usually the case that the Agency will be billed directly by GSA for all costs associated with the accident. In such a case, the contracting officer must ensure that appropriate action is taken to collect costs from the contractor should the contractor be at fault.

5. Mechanical Failures.

For roadside assistance, follow the instructions provided in the glove compartment of the vehicle.

6. Misuse of Agency Vehicles.

Contractors must have established penalties for its employees who use, or authorize the use of, Agency vehicles for *unofficial* purposes or for purposes other than in the performance of the contract. Such penalties must be enforced. Contractors may also be required to pay any expense or cost associated with misuse of the vehicle.

7. Approval.

Contractors must have specific authorization for the use of an Agency-furnished automobile *prior to each instance of using the vehicle*. It is expected that only the individual seeking authorization will be operating the vehicle. Contractors are forbidden from allowing other persons to operate government vehicles unless authorization has been received. The following steps shall be followed in seeking authorization:

- a. Complete a "Contractor Request for Use of Government Vehicle" form and submit it to the appropriate COTR for signature. The form is available from the COTR or the CSOSA Intranet;
- b. Indicate on the request form each destination for which the government vehicle will be used;
- c. The COTR must submit the form to the appropriate Vehicle Coordinator 24 to 48 hours in advance of need;
- d. The contractor should maintain a copy of the vehicle request form at all times while operating an Agency vehicle; and
- e. Upon return of the vehicle, complete the section of the form relating to mileage and fuel, and resubmit it to the COTR who must forward it to the vehicle coordinator.

8. Failure to Return Vehicle.

Contractors must indicate on the vehicle request form the estimated time of return. In the event that the contractor believes he/she will be unable to return the vehicle on time, the contractor must contact the COTR immediately to receive approval to use the vehicle for an additional amount of time. If the COTR is unavailable, the contractor must contact the Vehicle Manager who must notify the COTR. The COTR or Vehicle Manager must then notify the Vehicle Coordinator. If the contractor fails to return with the vehicle within two hours of the estimated time of return, the COTR must immediately notify the Director of Security or a security officer in the Office of Security.

9. Safety and Cleanliness.

Seatbelts must be worn at all times while operating or riding in an Agency vehicle. The driver shall be responsible for passenger adherence to this policy. Smoking, eating, and drinking are prohibited in all Agency vehicles. In order to protect vehicles from theft and damage, contractors must park or store the vehicle in a manner that reasonably protects it and lock the vehicle when unattended.

10. Traffic Laws and Fines.

- a. Operators of Agency vehicles must obey all motor vehicle traffic laws of the state(s) and/or local jurisdictions in which they operate. Violation of state or local motor vehicle laws can result in fines and/or imprisonment.
- b. Traffic fines imposed on a contractor for an offense committed by him or her while in the performance of his/her contract are the responsibility of the contractor. This includes fines for parking violations. Tickets issued must be reported to the COTR within 24 hours of receipt.

11. Fueling.

- a. When refueling Agency motor vehicles, self-service pumps shall be used to the fullest extent possible. Use the grade of fuel recommended by the vehicle manufacturer; do not use premium grade unless specifically required. Contractors must use the Government Fleet Credit Cards to purchase fuel. The Government Fleet Credit Card is available from the Vehicle Coordinator. The COTR or Vehicle Coordinator must approve all fuel purchases by a contractor immediately after the purchase. This is evidenced by their dated signature on the fuel purchase receipt.

- b. Drivers of alternative fuel vehicles should make a reasonable attempt to refuel vehicles at stations that offer E85 (85% Ethanol) fuel. These vehicles will have identifiers located on the fleet pouch key ring.

12. Parking.

Contractors may park in commercial parking lots when performing official duties. Contractors are reimbursed by submitting an SF-1164 "Claim for Reimbursement for Expenditures on Official Business" to OFM for reimbursement. The SF-1164 should be signed by both the contractor and COTR with the parking receipt attached. The SF-1164 is available on the CSOSA Intranet.

13. Return of Vehicles.

Vehicles shall be returned with at least 1/2 tank of gasoline. Vehicles shall be returned to the designated parking locations, and vehicle keys shall be returned to the Vehicle Coordinator.

- a. If the designated parking location is improperly occupied by another vehicle, the vehicle should be parked in another temporary legal location and information should be obtained regarding the improperly parked car (e.g., license plate information, color, and make of the car). This information must be reported to the Vehicle Coordinator upon returning the vehicle keys.
- b. Contractors must return vehicles with the interior clean and free of trash and debris.
- c. Mileage, fuel tank levels, and any problems with vehicle operation shall be noted on the vehicle request form.

13. Passengers.

Only those individuals performing official business with the Agency are permitted to ride as passengers in government-owned or leased vehicles operated by contractors. The Agency is not responsible for injury to unauthorized passengers as a result of an automobile accident in a government-owned or leased vehicle.

B. USE OF PRIVATELY-OWNED VEHICLES

1. Licenses and Insurance.

The COTR is responsible for obtaining copies of the contractor's driver's license and insurance information.

2. General Policy.

Government contractors performing under CSOSA contracts are permitted to use their POVs to perform official Agency business on local travel status as long as they receive approval from their COTR *prior to each use*. CSOSA contracts must specifically state that contractors may use their POVs for Temporary Duty Travel. Contractors desiring to use their POVs must complete a POV Request Form and submit it to the COTR for approval. Without such approval, the Agency will not be responsible for any allowable costs for vehicle damage as a result of an accident. The POV Request Form is available on the CSOSA Intranet.

3. Cost Reimbursements.

- a. Local Travel: Contractors will be reimbursed for use of a POV at a per mile rate determined, and periodically updated, by GSA. Mileage reimbursement is computed by multiplying the distance traveled for Agency business times the approved rate and is said to represent the actual cost of transportation. To obtain reimbursement, contractors must submit a completed SF-1164 "Claim for Reimbursement for Expenditures on Official Business" to OFM for reimbursement. The SF-1164 should be signed by the contractor and COTR and include the POV Request Form. The SF-1164 and applicable POV per mile rate is available on the CSOSA Intranet.

The following expenses are not reimbursable: parking tickets, traffic tickets, charges for repairs, fuel, insurance, depreciation, replacements, or towing. Any mileage incurred commuting to destinations unrelated to Agency business is not reimbursable.

- b. Out-of-Town Travel (Temporary Duty Travel): Contractors may only be reimbursed for use of their POV for out-of-town travel if it is stipulated in the contract. If allowable in the contract, reimbursement is obtained through the vendor invoice process indicated in the contract. A copy of the approved POV Request Form must be provided with the vendor invoice to support reimbursement.

4. Passengers.

It is strongly recommended that only those individuals performing official business with the Agency be permitted to ride as passengers in contractors' POVs. The Agency is not responsible for injury to unauthorized passengers as a result of an automobile accident in a POV.

5. Accidents.

In case of an accident, the contractor must follow the procedures in Section A.4 of this Appendix. SF 91 and SF 94 are available on the Internet or from the COTR.

6. Vehicle Damage.

In the event a contractor damages his/her vehicle while performing under a CSOSA contract, he/she may submit a request for reimbursement of his/her damages. The maximum the Agency will reimburse a contractor is the amount of the insurance deductible. The Agency has the full discretion whether to reimburse such costs. In making such determination, the Agency will consider such factors as: (1) whether the contractor had approval to use the POV; (2) whether the contractor was on official Agency business; and (3) who was at fault. The government will not be liable for any damage to contractor POVs which occurs in CSOSA or non-CSOSA parking lots or garages.

7. Mechanical Failures.

In the event of a mechanical failure while performing a CSOSA contract, the contractor must notify the COTR immediately following the breakdown. It is the responsibility of the contractor to obtain appropriate assistance/repairs for the vehicle.

C. LIABILITY FOR DAMAGE OR INJURY TO THIRD PERSON

In the event that a contractor injures a third party while performing duties on behalf of the Agency, he/she will not be protected by the Agency. The Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671, *et seq.*, protects *federal employees* from liability arising out of their negligent or wrongful acts, as long as such acts were performed while acting within the scope of employment. Government contractors are *not* considered employees for purposes of the FTCA. Thus, if a contractor injures another in the course of operating an Agency vehicle, for example, the Agency *will not* seek to protect the contractor from liability as it may for an employee.